

Message Text

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C O N F I D E N T I A L USUN 4939

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TAGS: UNGA, PFOR

SUBJECT: UNGA LEGAL COMMITTEE

1. US, UK, FRENCH AND USSR LEGAL COMMITTEE DELS RECOMMENDED PRACTISE OF MEETING TO DISCUSS LEGAL COMMITTEE BUSINESS IN GENERAL AND CHARTER REVIEW IN PARTICULAR. TONE OF MEETING WAS FORECASTBY RESPONSE TO IDEA OF SUCH A MEETING BY SOVIET DEL KOLESNIK WHO SAID"YES THESE MEETINGS ARE THE ONLY POSITIVE DEVELOPMENT OF THIS WHOLE CHARTER REVIEW SITUATION."

2. (A) ON QUESTION OF STATE SUCCESSION, KOLENIK INDICATED AGREEMENT WITH UK AND FRENCH VIEW THAT ASPECTS THEREOF SHOULD BE REMITTED TO ILC FOR FURTHER CONSIDERATION. (B) ON QUESTION OF UNCITRAL, KOLESNIK INDICATED WILLINGNESS NOT TO PRESS TRANSNATIONAL CORPORATIONS ISSUE IN MANNER WHICH WOULD BE TROUBLESOME FOR US, BRITISH OR FRENCH. (C) WITH REGARD TO THE REPORT OF THE INTERNATIONAL LAW COMMISSION, THERE WAS GENERAL AGREEMENT THAT THERE WAS LITTLE CONTROVERSIAL ABOUT THE REPORT AND THERE SHOULD BE NO PROBLEM IN THE COMMITTEE ON ADOPTION OF A CONSENSUS TEXT ON THE MATTER. KOLESNIK SAID HE PLANNED TO URGE THE ILC TO SHIFT TO A PRACTICE OF TAKING UP ONE TOPIC PER SESSION AND FINISHING IT RATHER THAN THE CURRENT PROCEDURE OF JUGGLING NUMEROUS ITEMS AT ONE TIME. EVANS (UK AND DELOFF POINTED OUT VARIOUS REASONS WHY IT USEFUL
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FOR ILC HAVE SEVERAL SPECIAL RAPORTEURS WORKING AT ONCE

AND TO PROCEED PIECE BY PIECE WITH SOME CODIFICATION EXERCISES
IN ORDER TO GIVE GOVERNMENTS TIME FOR COMMENT. KOLESNIK
INDICATED WILLINGNESS NOT TO PRESS MATTER BUT RATHER TO SUGGEST
IT AS AN APPROACH WHICH COULD BE CONSIDERED BY COMMISSION. (D)
ON DIPLOMATIC ASYLUM WE ALL AGREED ON UTILITY OF ASSISTING
AUSTRALIA IN SHELIVING MATTER GRACEFULLY.

3. DISCUSSION OF CHARTER REVIEW WAS PRELIMINARY IN NATURE SINCE
WE AS YET HAVE NOT PICKED UP MUCH INFORMATION ON THINKING OF OTHER
SIDE. WE ALL AGREED THAT COMPLETE MERGER OF CHARTER REVIEW AND
ROMANIAN ITEM ON STRENGTHENING OF THE ROLE OF THE UN WOULD BE
OPTIMAL RESULT UNDER CIRCUMSTANCES
AND CHANGE IN MANDATE OF AD HOC COMMISSION ON
CHARTER TO LIMIT IT TO CHARTER REVISION WOULD BE WORST POSSIBLE
RESULT. WE ALSO AGREED THERE WAS CONSIDERABLE BODY OF OPINION
FAVORING WORST POSSIBLE RESULT AND AGREED TO WORK ON INDIA, ROMANIA,
JAPAN AND MODERATE LATINS WITH VIEW TO CREATING NUCLEUS IN FAVOR
OPTIMAL RESULT. THERE WAS PREDICTABLE DIVERGENCE ON TACTICAL
APPROACH. UK AND OURSELVES INDICATED WILLINGNESS TO BE
SOMEWHAT
FLEXIBLE AND EXPRESSED CONCERN THAT WE NOT TAKE LINE RESULT
OF WHICH WOULD BE TO PUT THE FOUR OF US AGAINST THE ENTIRE REST
OF THE MEMBERSHIP. FRANCE AND USSR ARGUED FOR MAINTAINING
COMPLETE AND TOTAL OPPOSITION. ALTHOUGH KOLESNIK SPOKE FIRMLY
ON THE MATTER AND EVEN WARNED UK THAT IT WOULD NOT BE USSR WHICH
WAS THE LOSER IF SPLIT IN OUR RANKS DEVELOPED, DISCUSSION WAS
BASICALLY FRIENDLY AND IN SPIRIT OF COOPERATION TOWARD
MUTALLY AGREED GOAL WITH ALL CONCERNED AGREEING TO RELFECT FURTHER
ON ISSUES.

4. WE AGREED TO MEET AGAIN IN NEAR FUTURE TO CONTINUE DISCUSSION
OF CHARTER REVIEW AND OTHER LEGAL COMMITTEE ITEMS WITH A VIEW
TO COOPERATING ON ALL OF THEM TO THE EXTENT POSSIBLE AND IN ANY
EVENT WITH A VIEW TO AVOIDING SURPRISING EACH OTHER.
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